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9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 DAEKUN CHO,  
aka "DK,"

16 Defendant.  
17  
18

No. CR 23-00149-FMO

GOVERNMENT'S OPPOSITION TO  
DEFENDANT DAEKUN CHO'S APPLICATION  
FOR REVIEW/RECONSIDERATION OF  
ORDER OF DETENTION; DECLARATION OF  
JENA A. MACCABE; EXHIBIT

19 Plaintiff United States of America, by and through its counsel  
20 of record, the United States Attorney for the Central District of  
21 California and Assistant United States Attorney Jena A. MacCabe,  
22 hereby files its opposition to defendant DAEKUN CHO's application for  
23 review/reconsideration of order of detention.

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1        This opposition is based upon the attached memorandum of points  
2 and authorities, the declaration of Jena A. MacCabe and exhibit  
3 thereto, the files and records in this case, and such further  
4 evidence and argument as the Court may permit.

5        Dated: May 5, 2023

Respectfully submitted,

6                                E. MARTIN ESTRADA  
7                                United States Attorney

8                                MACK E. JENKINS  
9                                Assistant United States Attorney  
                                 Chief, Criminal Division

10                                          /s/ Jena A. MacCabe            
11                                JENA A. MACCABE  
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12                                Attorneys for Plaintiff  
13                                UNITED STATES OF AMERICA  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

For years before his arrest in this case, defendant DAEKUN CHO, also known as "DK," ("defendant") had been extorting businesses and individuals in the Koreatown, Los Angeles, area. Specifically, defendant was charging karaoke bars and doumi<sup>1</sup> drivers a monthly "protection fee" (or unlawful debt). To further his extortion scheme, defendant committed a shooting, a carjacking, a kidnapping, and other acts of physical violence. Defendant made explicit threatening statements to the doumi drivers and karaoke bar owners to get them to pay a monthly fee. Defendant also would restrict doumi drivers from going to certain karaoke bars if they refused to pay the monthly fee. Since karaoke bars rely on the availability of doumis for their businesses to survive, they would comply.

Defendant was charged with 32 counts of extortion, one count of attempted extortion, and one count of carjacking. (Indictment, Dkt. 14.) At his initial appearance, defendant was detained pending trial. (Dkt. 7.) He now applies for reconsideration of the Court's order of pretrial detention based on the identification of sureties with real property with \$500,000 of equity. (Dkt. 19.) The Court should deny defendant's application because there are no conditions or combination of conditions that will reasonably assure the appearance of defendant and the safety of any person or the community.

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<sup>1</sup> "Doumi" is a colloquial word for a hostess/companion that gets paid by the patron of the karaoke bar to accompany them.

1 **II. BACKGROUND**

2 **A. Defendant Extorted Two Business Owners from 2019 through**  
3 **2021 and Beat and Carjacked One of Them**

4 In or around July 2019, defendant approached Y.S., who along  
5 with his business partner J.L. operated a doumi driving company,  
6 while Y.S. was dropping off doumis at the parking lot for a karaoke  
7 bar. (Compl. ¶ 25, Dkt. 1.) Defendant told Y.S. that if he and J.L.  
8 wanted to continue to do business, then they must start paying  
9 defendant protection fees. (Id.) Y.S. and J.L. paid defendant  
10 around the 15th of every month. (Id. ¶ 26.)

11 In 2021, defendant told Y.S. that he was raising the protection  
12 prices, but Y.S. refused to pay the price increase. (Id. ¶ 27.) On  
13 or about May 8, 2021, defendant and his accomplice pulled Y.S. out of  
14 Y.S.'s vehicle and assaulted Y.S. with baseball bats. (Id.)  
15 Defendant told his accomplice to "fuck him up." (Id.) Defendant and  
16 his accomplice broke Y.S.'s left arm and caused him to need stitches  
17 for a laceration to his lower left leg. (Id.) They also inflicted  
18 multiple lacerations, abrasions, and bruising on Y.S.'s legs and  
19 hips. (Id.) During the attack, Y.S. was screaming and yelling, "I  
20 will pay! I will pay!" (Id. ¶ 30.) After attacking Y.S., defendant  
21 stole Y.S.'s car. (Id. ¶ 31.)

22 In or around July 2021, Y.S. and J.L. began receiving  
23 threatening messages from an unknown number. (Id. ¶ 35.) Those  
24 messages addressed the victims' family members, home addresses, and  
25 vehicle identification numbers. (Id.) The messages read, "I know  
26 where you live" and "see u." (Id.)  
27  
28

1 After defendant's attack on Y.S. and after receiving the  
2 threatening messages, Y.S. and J.L. closed their business. (Id.  
3 ¶ 37.) J.L. also fled to another state with his family. (Id. ¶ 35.)

4 **B. For Approximately Four Years, Defendant Extorted Another**  
5 **Victim, Whom Defendant Physically Assaulted This Year**

6 For approximately four years, another victim ("S.S.") had been  
7 paying defendant a monthly extortion fee. (Compl. ¶ 48.) After S.S.  
8 decided to stop paying, on or about January 24, 2023, defendant  
9 approached S.S., who was sitting in his car, and physically assaulted  
10 him. (Id. ¶¶ 48-49.) Defendant also stole approximately \$1,000 from  
11 him. (Id. ¶ 49.)

12 The following day, S.S. started paying defendant again out of  
13 fear for his safety. (Id. ¶ 50.) Defendant had sent previous  
14 messages referencing his assault of Y.S. as a means of coercion to  
15 get the companies to comply. (See id.)

16 On or about February 14, 2023, defendant messaged S.S. to  
17 collect that month's extortion payment. (Id. ¶ 52.) Two days later,  
18 law enforcement set up an operation to surveil the interaction. (Id.  
19 ¶ 54.) That night, defendant messaged S.S. to meet him in a parking  
20 garage for a karaoke bar. (Id. ¶ 58.) Law enforcement officers set  
21 up surveillance in the parking garage and were spotted. (Id. ¶ 60.)  
22 Defendant messaged S.S. asking if S.S. had called the police. (Id.)

23 Defendant then changed the location for the meeting two times.  
24 (Id. ¶¶ 61-62.) Law enforcement also spotted him driving by and  
25 making a U-turn before telling S.S. to pay an intermediary instead,  
26 which S.S. did. (Id. ¶¶ 62-63, 65, 67.) Defendant was trying to  
27 conduct countersurveillance. (Id. ¶ 64.)  
28

**C. Defendant Is Suspected of Committing a Shooting, a Kidnapping, and Other Beatings Last Year**

Not only has defendant bragged about beating and carjacking Y.S. (Compl. ¶¶ 39, 50), but he also said that he kidnapped another doumi driver to "send a signal" to the company (id. ¶ 40).

Additionally, on or about July 15, 2022, defendant was involved in a shooting near a karaoke parking lot. (Id. ¶ 41.) At approximately 1:30 a.m., a victim pulled into the lot to drop off two doumis when defendant, who was wearing a mask covering the lower portion of his face, approached them. (Id. ¶ 42.) Defendant opened the door to the car and came halfway inside. (Id. ¶ 43.) Defendant appeared to have something in his waistband and told the driver that his company was not allowed to drop off doumis at that location and they had to leave. (Id.) Defendant then departed, and once the doumis got back into the car, all three individuals departed the parking lot as well. (Id.) As soon as the car pulled onto the street, the driver heard gunshots and glass breaking in the car. (Id.) He looked back and saw that one doumi was bleeding from a gunshot wound to the neck. (Id.) This incident is currently under investigation by the Los Angeles Police Department. (Id.)

Finally, on or about the evening of September 17, 2022, D.E. was parked at a karaoke bar when defendant opened his door and asked, "What company do you work for?" (Id. ¶¶ 45-46.) Defendant then punched D.E. in the face, and D.E. fled the location in his car. (Id. ¶ 46.) D.E. went to the hospital and was treated for injuries to the left side of his face because of defendant. (Id. ¶ 45.)

1           **D.     The Court Detained Defendant Pending Trial**

2           On March 16, 2023, defendant made his initial appearance. (Dkt.  
3 7.) He declined to be interviewed by Pretrial Services and submitted  
4 on detention. On April 26, 2023, defendant filed the instant  
5 application to reconsider the detention order. (Dkt. 19.) He  
6 proposes bond from sureties, namely, relatives in this District, with  
7 real property with \$500,000 of equity. (Id.)

8           **III. ARGUMENT**

9           Defendant's application for reconsideration of pretrial  
10 detention should be denied because he is a danger to the community  
11 and a risk of non-appearance.

12           **A.     Legal Standards for Pretrial Detention**

13           A defendant must be detained pending trial where "no condition  
14 or combination of conditions will reasonably assure the appearance of  
15 the person as required and the safety of any other person and the  
16 community." 18 U.S.C. § 3142(e)(1). Detention is thus appropriate  
17 where a defendant is either a danger to the community or a flight  
18 risk; it is not necessary to prove both. United States v. Motamedi,  
19 767 F.2d 1403, 1406 (9th Cir. 1985). "[T]he government bears the  
20 burden of showing by a preponderance of the evidence that the  
21 defendant poses a flight risk, and by clear and convincing evidence  
22 that the defendant poses a danger to the community." United States  
23 v. Gebro, 948 F.2d 1118, 1121 (9th Cir. 1991) (citing Motamedi, 767  
24 F.2d at 1406-07).

25           Categorical grants or denials of bail, untethered from an  
26 individualized determination, are impermissible. United States v.  
27 Diaz-Hernandez, 943 F.3d 1196, 1199 (9th Cir. 2019). That is because  
28 "the Bail Reform Act mandates an individualized evaluation guided by

the factors articulated in § 3142(g).” Id. Those factors are:

- (1) the nature and circumstances of the offense charged;
- (2) the weight of the evidence against the defendant;
- (3) the defendant’s character, physical and mental condition, family and community ties, past conduct, history relating to drug or alcohol abuse, criminal history; and
- (4) the nature and seriousness of the danger to any person or to the community that would be posed by the defendant’s release. 18 U.S.C. § 3142(g).

United States v. Winsor, 785 F.2d 755, 757 (9th Cir. 1986) (per curiam) (citation omitted). Consideration of non-statutory factors is disfavored. Diaz-Hernandez, 943 F.3d at 1199.

Pursuant to 18 U.S.C. § 3142(f)(2), a detention hearing may be reopened “if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.”

**B. Defendant Is a Risk of Danger and Non-Appearance**

For years, defendant has been endangering victims in Koreatown and has tried to evade detection. When he was arrested in this case, he further demonstrated his risk of danger and non-appearance.

**1. Nature and Circumstances of the Offenses**

The nature and circumstances of defendant’s offenses unequivocally weigh in favor of detention.

Defendant faces a statutory maximum of 20 years for each of the 33 extortion and attempted extortion counts, see 18 U.S.C. § 1951, and 25 years for the carjacking count, see 18 U.S.C. § 2119(2). That sentencing exposure reflects the seriousness of defendant’s offenses.

1        Moreover, defendant's specific conduct in this case is alarming.  
2 By way of example, after extorting two business owners in Koreatown  
3 for over a year, defendant demanded higher payments. After one of  
4 the business owners refused, defendant and his accomplice pulled him  
5 from his car and assaulted him with baseball bats. Defendant told  
6 his accomplice to "fuck [the victim] up." They broke the victim's  
7 left arm and caused him to need stitches for a laceration to his  
8 lower left leg. They also inflicted multiple lacerations, abrasions,  
9 and bruising on his legs and hips. They violently attacked the  
10 victim while he yelled, "I will pay! I will pay!" They then stole  
11 the victim's car.

12        In February of this year, while trying to collect an extortion  
13 payment from a victim whom defendant had physically assaulted and  
14 stolen \$1,000 from the previous month, defendant showed his concern  
15 about law enforcement detection. Specifically, defendant asked the  
16 victim whether he had called the police on defendant, engaged in  
17 countersurveillance in driving around and changing the meeting  
18 location, and ultimately instructed the victim to use an intermediary  
19 to make the extortion payment.

20        In sum, the nature and circumstances of defendant's offenses  
21 demonstrate that he is a risk of both danger and non-appearance.

## 22        2.    Weight of the Evidence

23        The evidence that defendant committed the charged offenses is  
24 overwhelming and cannot be ignored in assessing defendant's risk of  
25 danger and non-appearance in this case.

26        In addition to the multiple victims who have recounted  
27 defendant's crimes against them and other witnesses' statements, law  
28 enforcement has video of defendant committing at least the carjacking

1 crime. (See Compl. ¶ 33.) Law enforcement further has messages that  
2 defendant sent to his victims (id. ¶¶ 35, 67), skeleton masks seized  
3 from defendant's house like the mask that defendant wore to attack a  
4 victim (id. ¶ 33; Ex. 1 (photograph of items seized from defendant's  
5 property); see also Compl. ¶ 42 (another victim reported that  
6 defendant wore a mask during a shooting incident)), photographs  
7 corresponding with injuries that defendant inflicted on one of his  
8 victims (Compl. ¶ 33), cell-site data corresponding with defendant's  
9 movements including during his attempted extortion (id. ¶¶ 56-57, 59,  
10 61-63, 66), and records of the extortion payments (id. ¶¶ 26, 48).

### 11 3. History and Characteristics of Defendant

12 Defendant's history and characteristics also favor detention.

13 Defendant's possession of three firearms, as well as a  
14 suppressor, while engaged in a violent extortion scheme, supports his  
15 detention based on danger. (See Ex. 1 (photograph of weapons and  
16 other items seized from defendant's property when he was arrested).)  
17 Further, defendant is suspected of being involved in a shooting. In  
18 July of last year, a victim reported that defendant approached his  
19 car as he tried to drop off two doumis at a karaoke bar. According  
20 to the victim, defendant appeared to have something in his waistband  
21 and told him that he was not allowed to drop off doumis at that  
22 location and had to leave. As they left, one of the doumis was shot  
23 in the neck.

24 The Pretrial Services Report from defendant's initial appearance  
25 also supports the conclusion that defendant is a risk of non-  
26 appearance. According to that report, when law enforcement ordered  
27 defendant to come out of his house, defendant refused and began a  
28 five-to-ten-minute standoff. During the standoff, defendant tried to

1 escape from a bathroom window but repositioned himself in the house  
2 when he saw law enforcement outside.

3 In addition, defendant faces a statutory maximum of 20 years for  
4 each of the 33 extortion and attempted extortion counts, see 18  
5 U.S.C. § 1951, and 25 years for the carjacking count, see 18 U.S.C.  
6 § 2119(2). The possibility of a lengthy prison sentence may motivate  
7 defendant to not appear for future court hearings. See United States  
8 v. Townsend, 897 F.2d 989, 994-95 (9th Cir. 1990) (holding that the  
9 district court properly considered "penalties possible under the  
10 present indictment" as providing an "incentive to consider flight,"  
11 and noting that electronic monitoring cannot assure prevention of  
12 non-appearance).

13 4. Nature and Seriousness of the Danger Posed by  
14 Defendant's Release

15 For years, defendant has used violence to extort multiple  
16 victims and strangle the karaoke industry in Koreatown. He is not  
17 only a risk of danger to the community but has acted on his  
18 dangerousness time and again. Defendant proposes conditions of  
19 release that include bond from sureties with real property with  
20 \$500,000 of equity. Even if the Court accepted that proposal as  
21 mitigating the risk of non-appearance, significant bond resources,  
22 including property, do nothing to eliminate the risk of danger to the  
23 community. See Rep. No. 225, 98th Congress, 1st Sess. 1983, 1984  
24 U.S.C.A.N. 3182, 3198-99 (n.60) (Congress finding that "a defendant  
25 who is a danger to the community remains dangerous even if he has  
26 posted a substantial money bond").  
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1 **IV. CONCLUSION**

2 For the foregoing reasons, the government respectfully requests  
3 that this Court deny defendant's application for release.  
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**DECLARATION OF JENA A. MACCABE**

I, Jena A. MacCabe, declare as follows:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Central District of California. I am the attorney representing the government in this case.

2. Attached hereto as Exhibit 1 is a photograph of some items seized during the searches of defendant's residence, vehicles, and person on March 16, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is executed at Los Angeles, California, on May 5, 2023.

*/s/ Jena A. MacCabe*

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JENA A. MACCABE

# EXHIBIT 1

